

# 218-XA 87-118-XA **PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, the undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 415.3.a, 1A01.1.B.1 to permit a setback of 65 feet to the centerline in lieu of the required 75 feet and a rear yard setback of 25 feet in lieu of the required 35 feet.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a long existent and present, previously licensed trailer in an R.C.2 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of August, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1986, at 10:30 o'clock.

*Callahan*  
Zoning Commissioner of Baltimore County.

# 21 87-118-XA **PETITION FOR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, the undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a long existent and present, previously licensed trailer in an R.C.2 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of August, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1986, at 10:30 o'clock.

*Callahan*  
Zoning Commissioner of Baltimore County.

IN RE: PETITIONS SPECIAL EXCEPTION AND VARIANCES  
W/S of Cooper Road, 1,120'  
SE of Middletown Road - 6th  
Election District

Charles Wilbert Matthews,  
et ux,

Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-118-XA

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a special exception for a residential trailer in an R.C.2 Zone and, additionally, variances to permit a setback of 65 feet to the centerline of the road in lieu of the required 75 feet and a rear yard setback of 25 feet in lieu of the required 35 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by their son, Michael Matthews, appeared and testified and were represented by Counsel. David Ransone, a registered property line surveyor, testified on their behalf. Gale and Murriel Matthews, not related to the Petitioners, appeared as Protestants and were represented by Counsel.

Testimony indicated that the Petitioners placed a 12' x 56' residential trailer on the subject property in 1975, which was to be used for their son, his wife, and their child. The property, containing approximately nine acres and located on Cooper Road, is bifurcated by a zoning line, with R.C.2 zoning to the north and R.C.4 zoning to the south. The trailer is located on the R.C.2-zoned portion, and the Petitioners' residence is on the R.C.4-zoned portion. Michael Matthews testified that he obtained a temporary permit from the Department of Permits and Licenses every two years until December, 1985, when it was denied, apparently as a result of a complaint received from Gale and Murriel Matthews, who had recently constructed their home across the road. Michael Matthews is a tenant of his parents and farms a portion of the

ORDER RECEIVED FOR FILING  
Date August 25, 1986  
By *Callahan*

subdivided. Any lot having between two and one hundred acres may be subdivided into two lots. However, tenant houses as accessory uses, including trailers used as tenant houses, are permitted as of right. The Protestants raised the question of whether the granting of the special exception would create an illegal subdivision by allowing two detached dwellings.

Prior to the adoption of the R.C. zone classifications, this property was zoned R.D.P. At the time this trailer was placed on the site, trailers were permitted as of right, provided all principal building setbacks were satisfied. Obviously, the latter was not. However, trailers, even those used for residential purposes, are not considered "dwellings" by the BCZR. A "dwelling" is defined as a "building", which in turn is defined as a "structure enclosed within exterior walls". A trailer is not a structure, not a building, and therefore, not a dwelling. A perusal of the BOCA Code confirms this syllogism—trailers are not subject to the requirements that buildings must meet. In fact, tenant trailers as accessory uses are permitted as of right, and residential trailers are permitted by special exception in the current R.C.2 Zone, subject to Section 415.1.d, BCZR.

Either this trailer is permitted as of right as a nonconforming use, since it was located on the property when it was zoned R.D.P., or by special exception if all of the requirements of Section 502.1 are satisfied. There is nothing to prevent the location of a residential trailer on a lot of record containing 25 acres or less which already has a detached dwelling located on it as long as Section 502.1 is satisfied.

It is clear that the BCZR permits the use requested by the Petitioners in an R.C.2 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it

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Date August 25, 1986  
By *Callahan*

and Murriel Matthews, who had recently constructed their home across the road. Michael Matthews is a tenant of his parents and farms a portion of the property on a part-time basis, while working full-time for Baltimore County.

Mr. Ransone testified that, in his opinion, a residential trailer is not an unusual use on land in northern Baltimore County and that the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), have been satisfied. Further, Section 307, BCZR, would be satisfied if the requested variances were granted.

The Protestants constructed their home in 1985, at a cost of approximately \$90,000, on land given to them by Mrs. Matthews' family. In fact, she had lived in the area above her grandfather's home for a number of years. They believe that if they were to sell their home, the value would be adversely impacted by the trailer and by the number of junk vehicles Michael Matthews stores on the site.

The trailer itself seems to be well-kept and has been located in its present location since 1975. It is obvious that the Protestants knew or should have known that the trailer was there when they decided to construct their home, and it did not deter them. This belies their claim of potential future diminution of property values inasmuch as their home is only one and one-half years old. The trailer's location, however, requires a setback variance of 65 feet to the centerline of the road and a rear yard setback variance of 25 feet.

The Petitioners seek relief from Section 1A01.2.C.21, BCZR, pursuant to Section 502.1, BCZR, and from Sections 415.3.a and 1A01.3.B.3, BCZR, pursuant to Section 307, BCZR.

Single-family detached dwellings are permitted as of right in an R.C.2 Zone, provided no lot of record having a gross area of less than two acres is

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Date August 25, 1986  
By *Callahan*

must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner, and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty, for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING  
Date August 25, 1986  
By *Callahan*

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
County Office Building  
Towson, Maryland 21204

1982-83  
YEAR

## **TRAILER PERMIT**

Date issued: October 5, 1982

A Permit is hereby granted to Michael Matthews to park a trailer on the property of Charles Matthews located at 1120 W. of Cooper Road, 1120' in accordance with Baltimore County Council Bill No. 100, 1964 Session.

TYPE OF PERMIT: Residential Occupancy

USE OF TRAILER: Residential

THIS PERMIT EXPIRES: December 31, 1983

Director

## **CERTIFICATE OF POSTING** ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th Date of Posting: August 25, 1986

Posted for: Special Exception and Variances

Petitioner: Charles Wilbert Matthews, et ux

Location of property: W/S of Cooper Rd., 1120' SE of Middletown Rd.

Location of Sign: W/S of Cooper Rd., approx. 1120' SE of Middletown Rd. in front of subject property.

Remark: None

Posted by: A.J. Water Date of return: August 29, 1986

Number of Signs: 2

ORDER RECEIVED FOR FILING  
Date August 25, 1986  
By *Callahan*

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of September, 1986, that the Petition for Special Exception for a residential trailer in an R.C.2 Zone and, additionally, the Petition for Variances to permit a setback of 65 feet to the centerline of the road in lieu of the required 75 feet and a rear yard setback of 25 feet in lieu of the required 35 feet be and are hereby GRANTED, from and after the

- 5 -

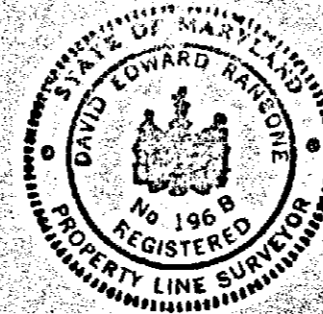
GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470  
April 21, 1985

### Zoning Description

All that piece or parcel of land situate, lying and being in the Sixth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the west side of Cooper Road distant 1120 feet measured southeasterly along the centerline of Cooper Road from its intersection with the centerline of Middletown Road, and running thence and binding along Cooper Road the three following courses and distances viz: South 8 degrees 32 minutes 44 seconds East 396.00 feet to a point in the bed of Cooper Road, South 3 degrees 57 minutes 16 seconds West 528.00 feet to a point on the west side of said road and South 23 degrees 53 minutes 51 seconds East 223.13 feet to a point on the west side of said road, thence leaving said road and running the three following courses and distances viz: North 78 degrees 37 minutes 15 seconds West 517.27 feet, North 34 degrees 18 minutes 00 seconds West 297.40 feet and North 35 degrees 57 minutes 16 seconds East 957.00 feet to the place of beginning.

OFFICE COPY



RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCES  
W/S of Cooper Rd., 1120' SE of : OF BALTIMORE COUNTY  
Middletown Rd., 6th District  
CHARLES WILBERT MATTHEWS, et ux, Case No. 87-118-XA  
Petitioners

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 18th day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

### CERTIFICATE OF PUBLICATION

TOWSON, MD., September 1, 1986  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 1, 1986.

THE JEFFERSONIAN

Susan Shuler Oselt  
Publisher  
Cost of Advertising  
27.50

### CERTIFICATE OF PUBLICATION

TOWSON, MD., September 10, 1986  
THIS IS TO CERTIFY that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 10, 1986.

TOWSON TIMES

Susan Shuler Oselt  
Publisher  
42.50

### PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES

6th Election District

Case No. 87-118-XA

LOCATION: West Side of Cooper Road, 1120 feet Southeast of Middletown Road

DATE AND TIME: Monday, September 22, 1986, at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a long existing and present, previously licensed trailer in an R.C. 2 Zone

Petition for Zoning Variances to permit a setback of 65 feet to the centerline in lieu of the required 75 feet and a rear yard setback of 25 feet in lieu of the required 35 feet

Being the property of Charles Wilbert Matthews, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

September 18, 1986

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams, Chartered  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES  
W/S of Cooper Rd., 1120' SE of Middletown Rd.  
6th Election District  
Charles Wilbert Matthews, et ux - Petitioners  
Case No. 87-118-XA

Dear Mr. Burgess:

This is to advise you that \$100.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please pay the fee to the County, Maryland, and remit to the County, Maryland, and remit to the County, Maryland.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 025537  
DATE: 9/21/86  
AMOUNT: \$100.00  
PAID TO: Mr. Michael Ray Matthews, 18900 Cooper Rd., Baltimore, MD 21204  
RECEIVED BY: Patricia J. Matthews, 21120 Cooper Rd., Baltimore, MD 21204  
ADVERTISING A POSTING COSTS RE CASE NO. 87-118-XA  
VALIDATION OF SIGNATURE OF CARRIER

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams, Chartered  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

August 8, 1986

### NOTICE OF HEARING

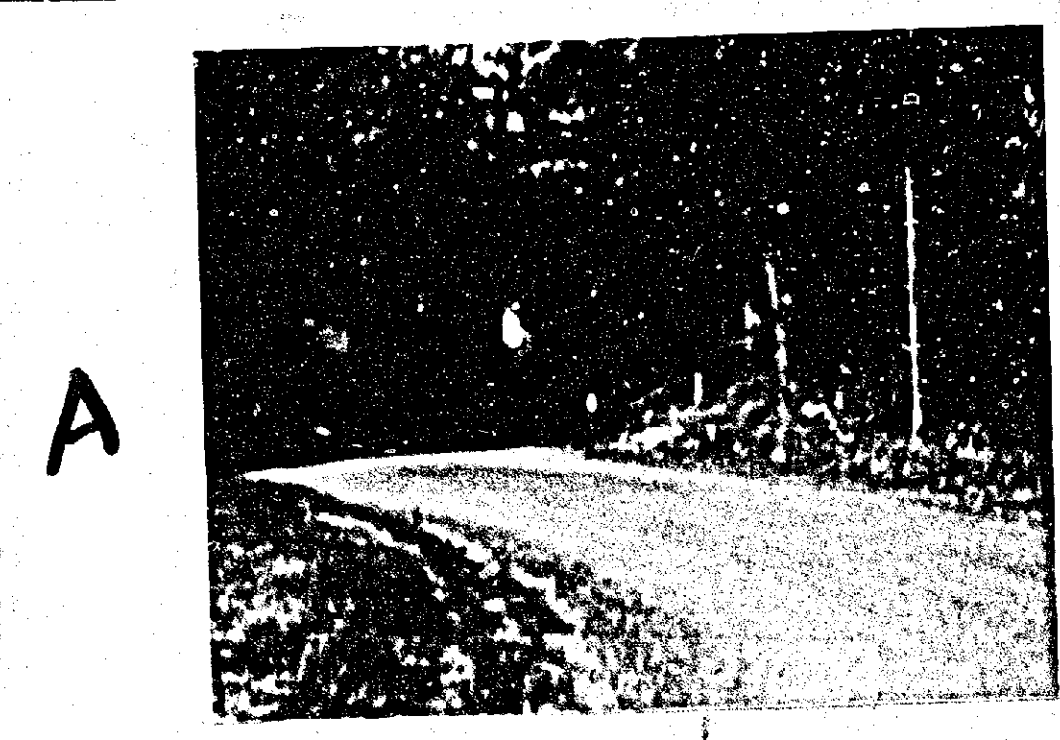
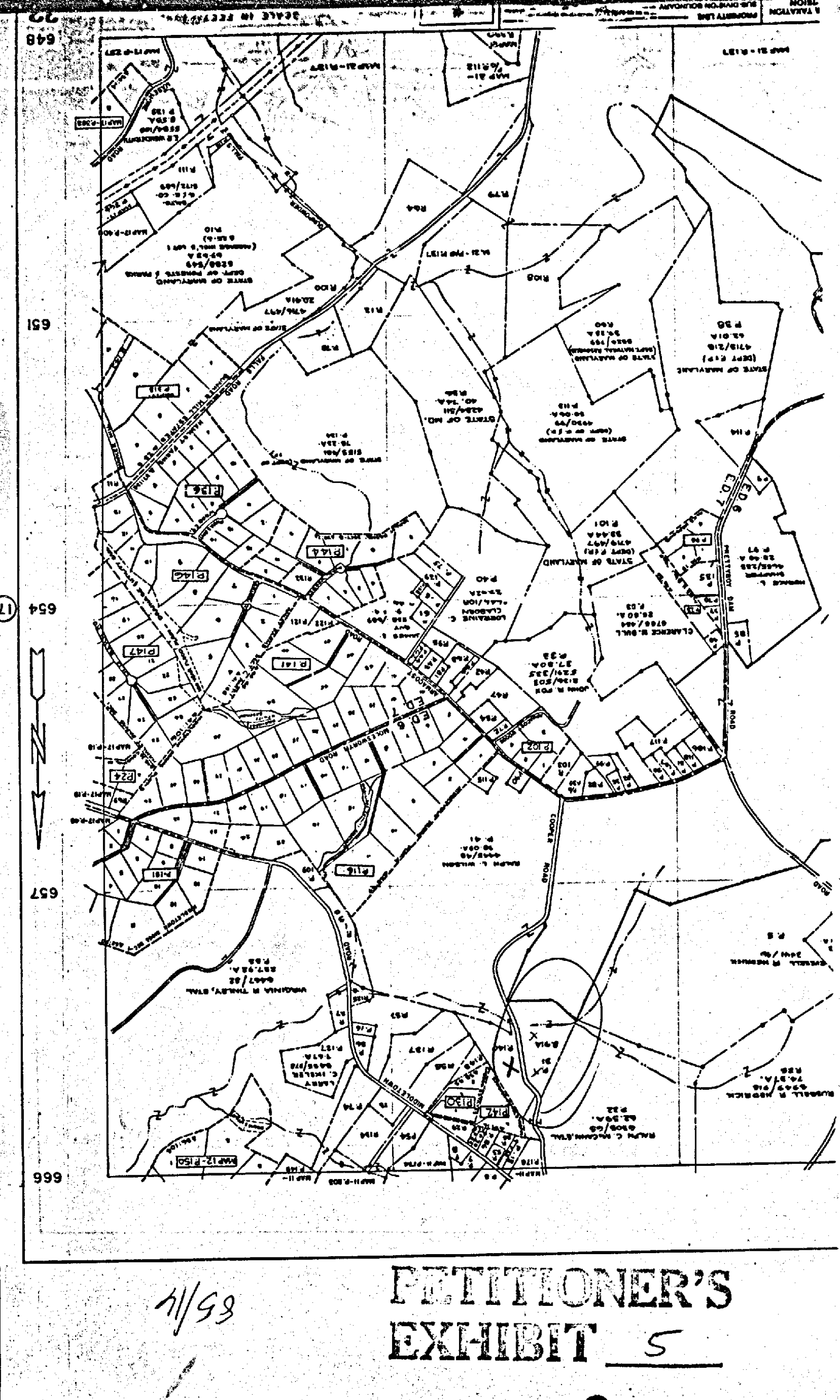
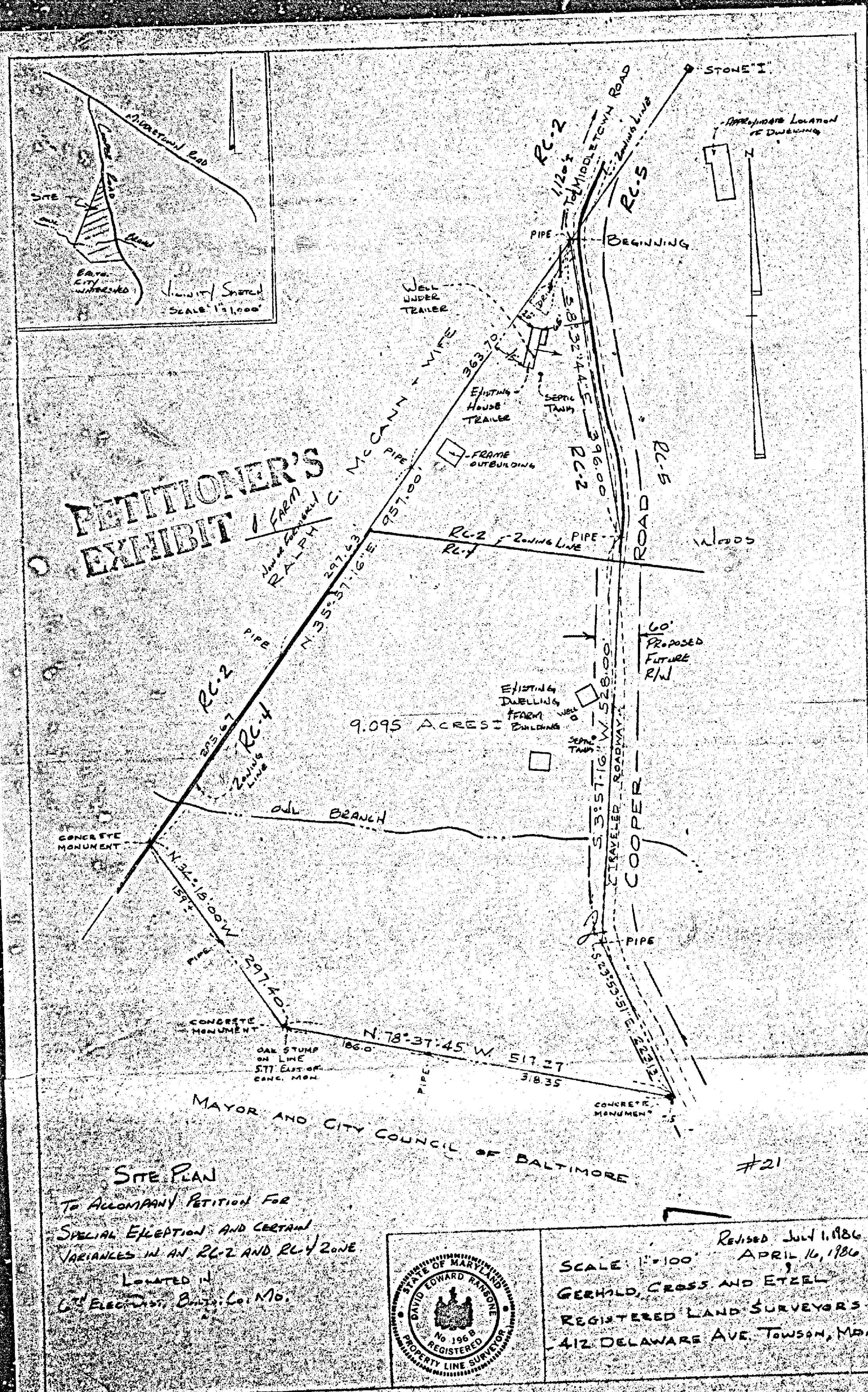
RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES  
W/S of Cooper Rd., 1120' SE of Middletown Rd.  
6th Election District  
Charles Wilbert Matthews, et ux - Petitioners  
Case No. 87-118-XA

TIME: 10:30 a.m.

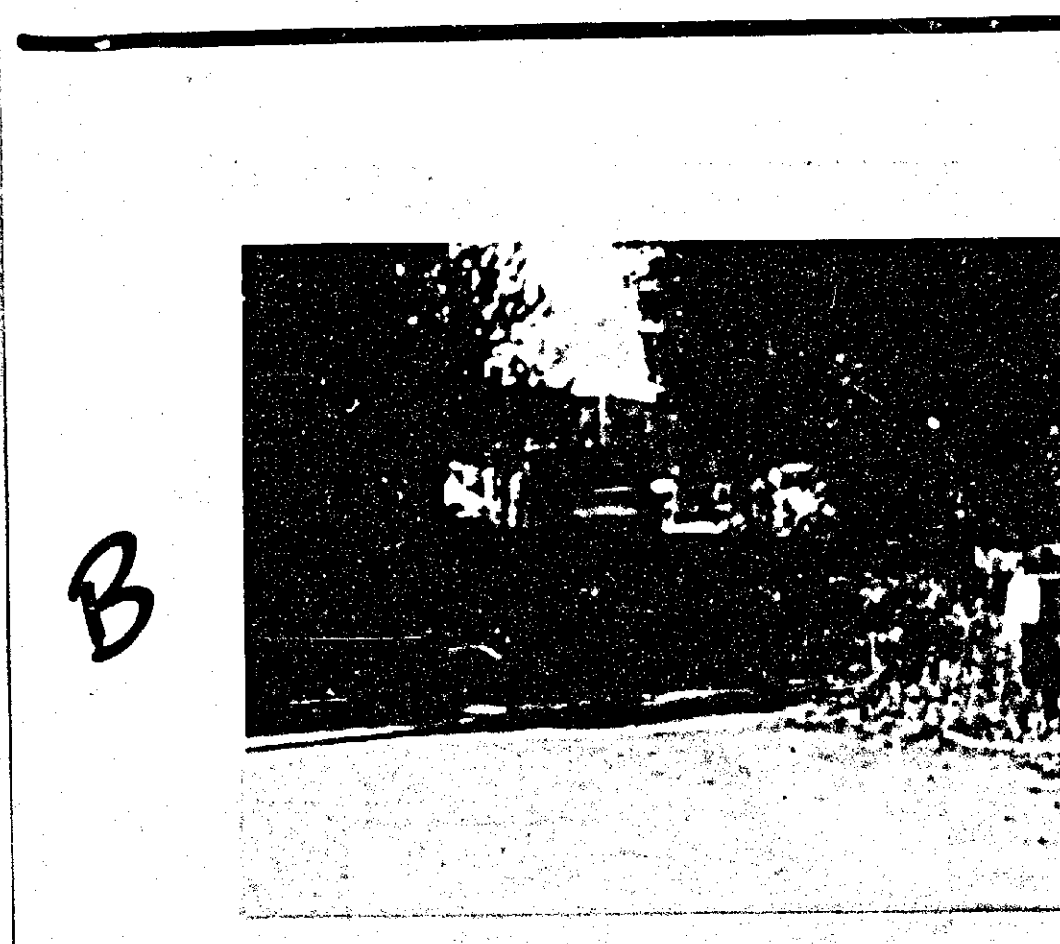
DATE: Monday, September 22, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

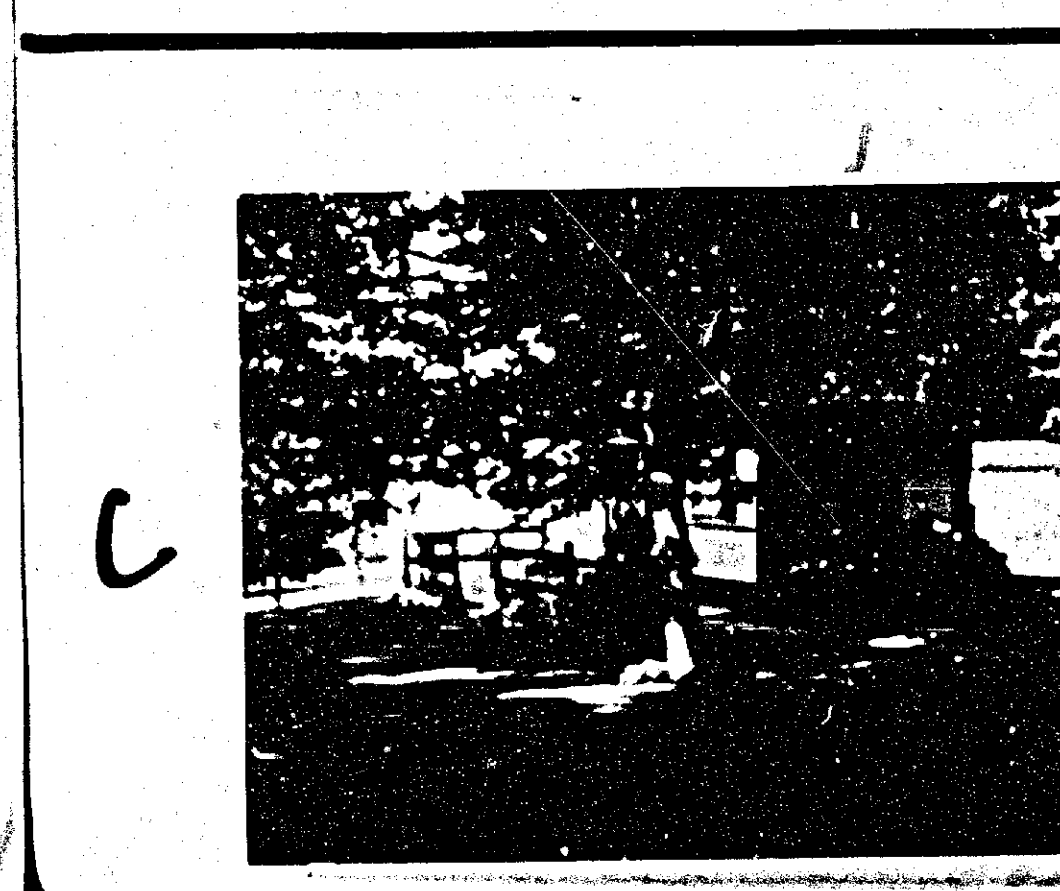
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 020001  
DATE: 7/15/86  
AMOUNT: \$200.00  
PAID TO: Mr. Michael Ray Matthews, 18900 Cooper Rd., Baltimore, MD 21204  
RECEIVED BY: Patricia J. Matthews, 21120 Cooper Rd., Baltimore, MD 21204  
ADVERTISING A POSTING COSTS RE CASE NO. 87-118-XA  
VALIDATION OF SIGNATURE OF CARRIER



View of Petitioner's Property as you travel south on Cooper Road. (July 1986)



Mailbox and entrance/driveway of Petitioner's home



Front of Petitioner's trailer home



**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
1111 N. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this day of July 1986

**ARNOLD JABLON**  
Zoning Commissioner

Petitioner: Charles Wilbert Matthews Received by: James E. Dyer  
Petitioner: 100 N. W. Chairman, Zoning Plans  
Attorney: Douglas L. Burgess, Esquire Advisory Committee

**BALTIMORE COUNTY, MARYLAND**

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: September 3, 1986

Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-118-XA, 87-139-A, 87-140-A, 87-141-A, 87-142-SPH, 87-145-A, 87-147-A and 87-148-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG:JGH:sim

**Norman E. Gerber**  
Director

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

August 26, 1986

COUNTY OFFICE BUILDING  
111 N. Chesapeake Ave.  
Towson, Maryland 21204

Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Douglas L. Burgess, Esquire  
Nolan, Plumbhoff & Williams  
204 N. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 21 - Case No. 87-118-XA  
Petitioner: Charles Wilbert Matthews,  
et ux  
Petitions for Variance and Special  
Exception

Dear Mr. Burgess:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
**James E. Dyer**  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb  
Enclosures

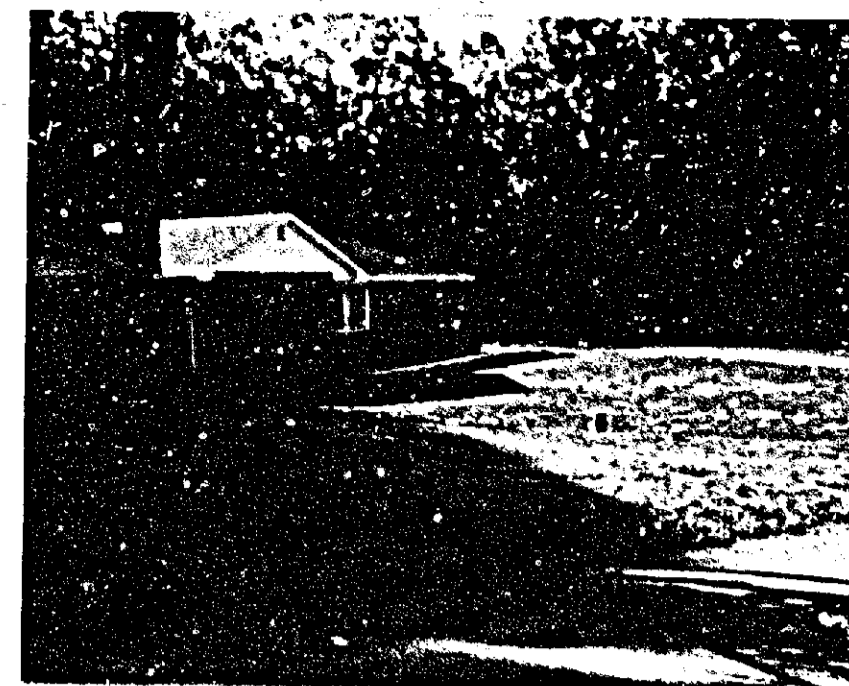
cc: Gerhold, Cross and Etzel  
412 Delaware Avenue  
Towson, Maryland 21204



Driveway



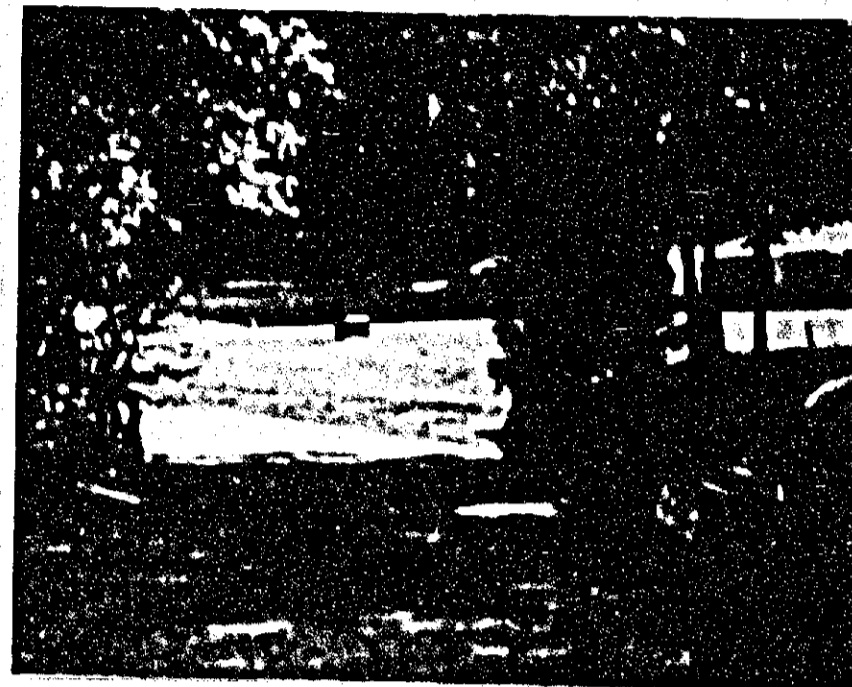
View from front of Petitioner's trailer home out over their front yard and to the north toward Complainant's house



View of Complainant's house as you travel south on Cooper Road



Driveway / T.H.



View from Petitioner's driveway north towards Complainant's house



View of Complainant's front yard and Petitioner's house in background as you travel south on Cooper Road



Front view of Petitioner's Trailer Home



View from end of driveway toward Complainant's house



View out front of Complainant's house as taken by being up along Complainant's front door on Cooper Road

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

August 11, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 21 Zoning Advisory Committee Meeting are as follows:

Property Owners: Charles W. Matthews, et ux  
Location: W/S Cooper Road, 1120 feet SE Middletown Road  
District: 6th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building and Code (A.I.C.B., #17-1 - 1985) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 101.7, Section 100.2 and Table 100.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for maximum height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Accessory Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_, or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Alleviation. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
10. Comments: Section 103.1 would be applicable to this variance.
11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. It is desired the applicant may obtain additional information by visiting Room 322 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles W. Matthews  
211 C. E. Barham, Chief  
Building Plans Bureau

L/22/86

BALTIMORE COUNTY  
DEPARTMENT OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3610

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

AUGUST 21, 1986

Re: Zoning Advisory Meeting of July 29, 1986  
Item # 21  
Property Owners: Charles W. Matthews, et ux  
Location: W/S Cooper Rd. 1120' SE  
MIDDLETOWN RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ Forward by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited.
- ☒ Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Nonconforming: Must comply with Baltimore County Landscape Manual, Title 11A-2. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 17-77, and its conditions change are re-evaluated annually by the County Council.

cc: Mr. Howell

Eunice A. Rober  
Chief, Current Planning and Development

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 11, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number (21) 22, 25, 26, 27, 28, 29, 30, and 31.

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

August 13, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson Maryland 21204

RE: Property Owner: Charles W. Matthews, et ux

Location: W/S Cooper Road, 1120' SE Middletown Road

Item No.: 21

Zoning Agenda, Meeting of 7/29/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☒ 2. A second means of vehicle access is required for the site.
- ☒ 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ☒ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ☒ 6. Site plans are approved, as drawn.
- ☒ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill*  
Planning Group  
Special Inspection Division

Noted and Approved:

*John F. O'Neill*  
Fire Prevention Bureau

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer

Date: August 7, 1986

FROM: James Thompson

Item No. 21

SUBJECT: Matthews - Petitioner

Please note that the above subject petition is an active violation case, C-86-923.

When this matter is scheduled for a public hearing please notify:

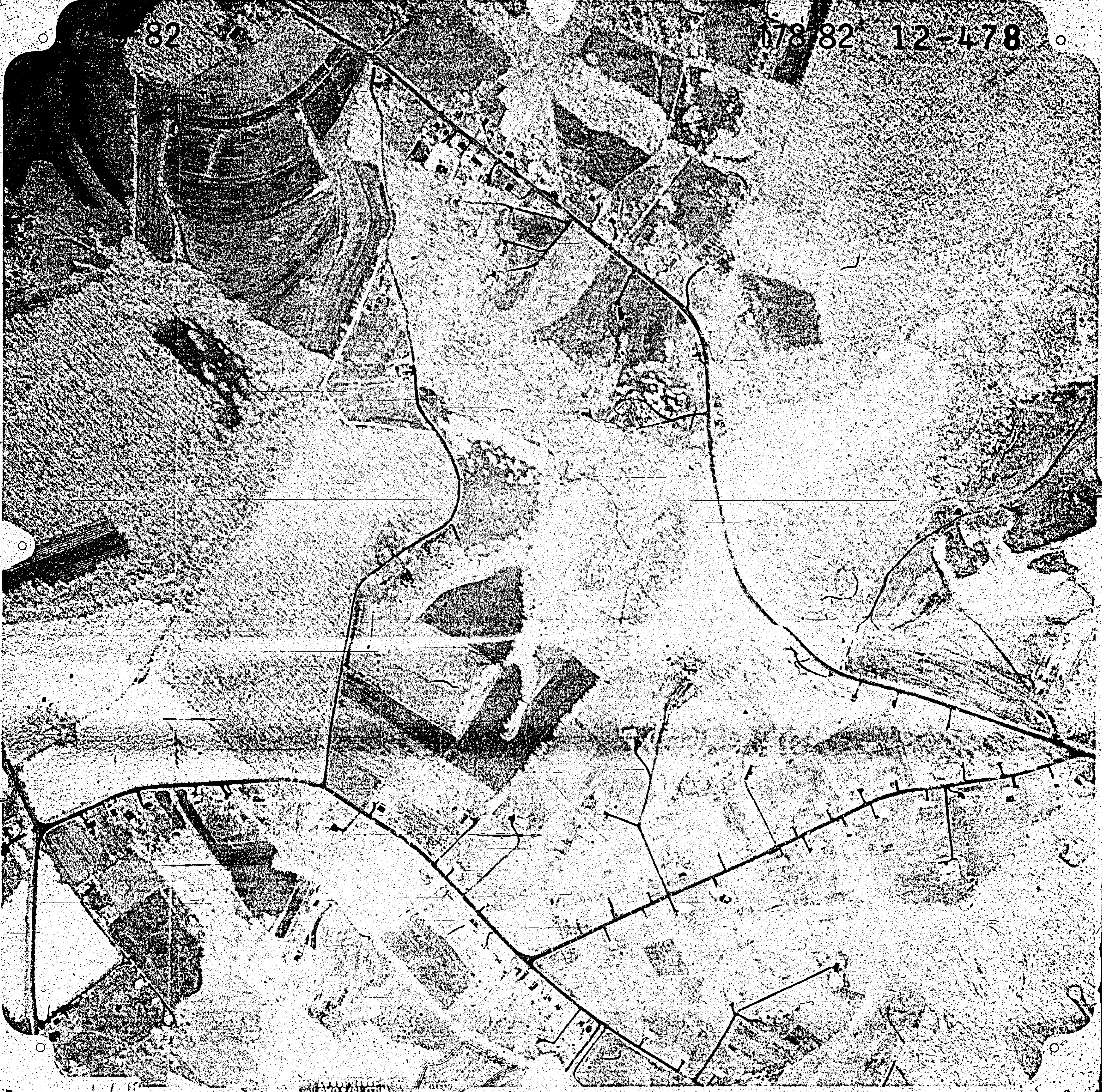
Gale Matthews  
18901 Cooper Road  
Parkton, Maryland 21120

JT/ls

CPS-008

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178-82-12-478



AIR PHOTOGRAPHIC ASSOCIATES, INC.  
A  
P  
R

PETITIONER'S  
EXHIBIT 4